

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-20326-CR-KMM

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRE LORQUET

Defendant.

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**DEFENDANT'S REPLY TO THE GOVERNMENT'S RESPONSE TO
OBJECTIONS TO REPORT AND RECOMMENDATION TO
DENY MOTION TO WITHDRAW GUILTY PLEA**

Defendant, Andre Lorquet, files his reply to the government's response to his objections to the Magistrate Judge's report and recommendation to deny his motion to withdraw his guilty plea.

In his objections to the Magistrate Judge's report and recommendation, Mr. Lorquet argued that the Magistrate erred in finding that Mr. Lorquet's motion to withdraw his guilty plea should be denied. That issue is fully briefed and pending before the Court. Mr. Lorquet maintains that the Magistrate Judge clearly erred in determining Mr. Lorquet voluntarily pled guilty. Mr. Lorquet maintains that the record shows that he was pressured to plead guilty by his lawyer, he did not have the close assistance of counsel, and was threatened. That Mr. Lorquet could not specifically name those who threatened him does not change the fact that it is undisputed that there were others involved in the scheme charged in this case and

that Mr. Lorquet's testimony about the threats was un rebutted. In sum, for the reasons previously set forth, Mr. Lorquet respectfully requests that the Court sustain his objection and grant his motion to withdraw his guilty plea.

Next, is the issue of the newly discovered *Brady* evidence. In its response, the government asserts that the issue is moot because it will dismiss count 9, the aggravated identity theft count. That concession speaks volumes. Notwithstanding the Magistrate's findings as to the voluntariness of the change of plea, it would be manifestly unfair and unjust for Mr. Lorquet to continue to be subjected to a conviction, and ultimately sentenced, for aggravated identity theft. There can be no doubt that, had Mr. Lorquet (or anyone in his position) known about the evidence showing that CD was involved in Covid relief fraud, he would *not* have pled guilty to count 9. *See* Defendant's Objections, ECF 100, at page 4 (citing cases).

Wherefore, the Defendant Andre Lorquet respectfully requests that the Court sustain his objections to the Magistrate Judge's Report and Recommendation that his motion to withdraw his guilty plea be denied.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 17, 2023, a true and correct copy of the foregoing has been furnished electronically via CMCEF to all counsel of record.

Respectfully submitted,

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